

“Date”

Mr. Richard L. Traina
Assistant Attorney General
Louisiana Department of Justice
P.O. Box 94005
Baton Rouge, Louisiana 70804-9005

RE: Ethics Board Docket No. 2021-353

Dear Mr. Traina:

The Louisiana Board of Ethics, at its August 6, 2021 meeting, considered your request for an advisory opinion as to whether you can provide legal services to the Office of State Lands and other state entities once you leave your employment as an Assistant Attorney General for the Louisiana Department of Justice.

FACTS PROVIDED

You provided that you are currently employed as an Assistant Attorney General for the Louisiana Department of Justice. In your capacity as an Assistant Attorney General, you have represented the Office of State Lands, an agency of the State of Louisiana. You stated that you intend to leave the Department of Justice and return to private practice with a law firm in New Orleans. You stated that the Office of State Lands would like to have you continue representing them in litigation matters that you are currently handling in your employment with the Department of Justice. You further stated that the Office of State Lands would also like for you to handle new litigation matters that you did not participate in while employed with the Department of Justice. Finally, you questioned whether you could handle litigation matters for other state entities.

LAW

La. R.S. 42:1121B(1) provides that no former public employee shall, for a period of two years following the termination of his public employment, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such former public employee participated at any time during his public employment and involving the governmental entity by which he was formerly employed, or for a period of two years following termination of his public employment, render, any service which such former public employee had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to, for, or on behalf of the agency with which he was formerly employed.

CONCLUSION

The Board concluded and instructed me to inform you, the Code of Governmental Ethics (Ethics Code) would prohibit you from assisting the Office of State Lands, for compensation, once you leave your employment with the Louisiana Department of Justice. Since you intend to represent the Office

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of State Lands in litigation matters that you handled while you were employed with the Louisiana Department of Justice, Section 1121B would prohibit your rendering on a contractual basis legal services to the Office of State Lands in connection with the same litigation that you were previously involved in as counsel for the Office of State Lands, during the course of your tenure as an Assistant Attorney General for the Louisiana Department of Justice.

The Board further concluded and instructed me to inform you, the Ethics Code would prohibit you from handling new litigation matters for the Office of State Lands because new litigation involves the same service that you provided during the term of your employment with the Louisiana Department of Justice.

Finally, the Board concluded and instructed me to inform you, the Ethics Code would not prohibit you from handling litigation matters for other state entities, provided that you did not participate in those matters while employed with the Department of Justice.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and conflict of interest provisions in the gaming laws. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Gregory L. Thibodeaux
For the Board

This is a draft opinion and it is NOT an opinion of the Louisiana Board of Ethics. No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for drafting purposes only and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.